

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: AT&T MOBILITY WIRELESS DATA)	MDL No: 2147
SERVICES SALES TAX LITIGATION)	Case No. 1:10-cv-02278
)	
)	Judge Amy J. St. Eve
)	
This Document Relates To:)	
All Actions)	

ORDER MODIFYING PRELIMINARY APPROVAL ORDER

The Settlement Class Representatives and Defendant AT&T Mobility LLC (“AT&T Mobility” or “Defendant”) (collectively “the parties”) have submitted a Joint Motion to Modify the Preliminary Approval Order requesting that the Court: (1) grant AT&T Mobility up to and including December 15, 2010 to complete class notification of the Settlement; (2) approve dividing the direct-bill notice into three parts rather than two; (3) strike an exclusion to the Settlement Class definition (4) add two additional Hawaiian state taxes and four additional Missouri local taxes to the Settlement; and (5) delete the individual names of Settlement Class Counsel from Exhibit D to the Proposed Settlement Agreement.

The Court has given due consideration to the five proposed modifications, and now finds that they should be approved.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. The class notices must be sent by December 15, 2010, the publication notice must be published twice in the *USA Today* by December 15, 2010, and Defendant shall file an affidavit or declaration that such notice has been provided by January 5, 2011. Settlement Class Counsel shall file its application for class representatives’ fees, attorneys’ fees, costs, and expenses by January 26, 2011, and potential class members must have their opt-out requests postmarked by

February 2, 2011. Objections and notices of appearance must be filed by February 2, 2011. All papers in support of final approval shall be filed by February 23, 2011. The Court will hold a fairness hearing on March 10, 2011 at 9:30 am.

2. The Court approves the direct-bill notice (as quoted in the Preliminary Approval Order) being divided into three parts rather than two. The three-part notice shall appear on bills as follows:

NOTICE OF CLASS ACTION SETTLEMENT – PART I

If you were charged taxes, fees or surcharges on internet access through smart phone data plans, laptop connect cards or pay-per-use data services on bills issued from 11/1/05 through 8/XX/10, you may be entitled to benefits under a class action settlement. To receive benefits, you need to do nothing at this time. See below for more information.

NOTICE OF CLASS ACTION SETTLEMENT – PART II

You may opt out of this settlement, but your request to exclude yourself must be received by xx/xx/xx. You may also object to the settlement by this date. If you do not opt out, you will be bound by the settlement and give up the right to file your own lawsuit. You may also remain part of the class and hire counsel at your expense. See below for more information.

NOTICE OF CLASS ACTION SETTLEMENT – PART III

However, Settlement Class Counsel have been appointed to represent you and can be contacted at: Bartimus Frickleton Robertson & Gorny, P.C., P.O. Box 480020, Kansas City, MO 64148. To learn more about the settlement, including its benefits, how to opt-out or object, the names of the parties, and other information, go to www.attsettlement.com or call 1-800-xxx-xxxx.

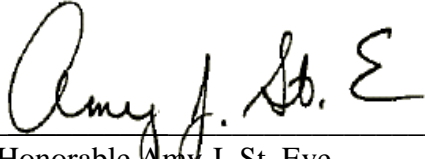
3. The proposed alteration to the settlement class definition is approved. Exclusion number (iii) shall read as follows: “(iii) AT&T Mobility’s officers, directors, agents and representatives”.

4. The Court approves the addition of the following taxes to Exhibits H and L of the Proposed Settlement Agreement: Hawaii (Public Utility Fee); Hawaii (TRS Fee); Adrian, Missouri (License Tax); Advance, Missouri (License Tax); Altenburg, Missouri (License Tax) and Anniston, Missouri (License Tax).

5. The Court approves the deletion of the individual names of Settlement Class Counsel from Exhibit D to the Proposed Settlement Agreement.

SO ORDERED:

DATED: August 19, 2010



Honorable Amy J. St. Eve
United States District Judge